

ASSEMBLY BILL

No. 753

Introduced by Assembly Member Medina

February 25, 2015

An act to amend, repeal, and add Sections 1296, 44929.21, and 44929.23 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 753, as introduced, Medina. Certificated school employees.

(1) Existing law, for a county superintendent of schools having an average daily attendance of 250 or more, requires an employee in a teaching position requiring certification qualifications to become a permanent employee of the county superintendent of schools if the employee is employed for 3 complete consecutive school years if his or her probationary period commenced prior to the 1983–84 fiscal year or for 2 complete consecutive school years if his or her probationary period commenced during the 1983–84 fiscal year or any fiscal year thereafter, and is reelected for the next succeeding school year to a teaching position requiring certification qualifications.

This bill, on and after July 1, 2016, would instead require, for a county superintendent of schools having an average daily attendance of 250 pupils or more, an employee in a nonsupervisory, nonmanagement position requiring certification qualifications to become a permanent employee of the county superintendent of schools if the employee is employed for 2 complete consecutive school years and is reelected for the next succeeding school year to a position requiring certification qualifications. The bill would specify that, unless otherwise provided, the provisions relating to probation, the attainment of permanent status, and dismissal that are otherwise applicable to employees of school

districts apply to employees of county offices of education, as specified. To the extent that these provisions would place additional requirements on county offices of education, they would impose a state-mandated local program.

(2) Existing law, for a school district having an average daily attendance of 250 or more, requires an employee in a position requiring certification qualifications to become a permanent employee of the school district if the employee is employed for 3 complete consecutive school years if his or her probationary period commenced prior to the 1983–84 fiscal year or for 2 complete consecutive school years if his or her probationary period commenced during the 1983–84 fiscal year or any fiscal year thereafter, and is reelected for the next succeeding school year to a position requiring certification qualifications.

This bill, on and after July 1, 2016, would instead require, for a school district having an average daily attendance of 250 pupils or more, an employee in a nonsupervisory, nonmanagement position requiring certification qualifications to become a permanent employee of the school district if the employee is employed for 2 complete consecutive school years and is reelected for the next succeeding school year to a position requiring certification qualifications. To the extent that this provision would place additional requirements on school districts, it would impose a state-mandated local program.

(3) Existing law, for a school district having an average daily attendance of less than 250 pupils, authorizes the governing board of the school district to classify an employee employed in a position requiring certification qualifications as a permanent employee if he or she completes 3 complete consecutive school years of employment and is reelected for the next succeeding school year to a position requiring certification qualifications.

This bill, on and after July 1, 2016, would make those provisions applicable only to nonsupervisory, nonmanagement employees in positions requiring certification qualifications. The bill, on and after July 1, 2016, would make those provisions applicable to nonsupervisory, nonmanagement employees in positions requiring certification qualifications who are employed by county offices of education having an average daily attendance of less than 250 pupils. The bill would specify that the provisions relating to probation, the attainment of permanent employment status, and dismissal that are otherwise applicable to employees of school districts having an average daily attendance of less than 250 pupils, are applicable to the employees of

county offices of education having an average daily attendance of less than 250 pupils, unless otherwise provided. To the extent that these provisions would place additional requirements on school districts and county offices of education, they impose a state-mandated local program.

(4) This bill would make conforming and related changes, and would set forth applicable provisions for school employees who are subject to the provisions specified above and are employed at the time the provisions of the bill become operative.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1296 of the Education Code is amended
2 to read:

3 1296. (a) (1) If the average daily attendance of the schools
4 and classes maintained by a county superintendent of schools is
5 250 *pupils* or more, each person who, after being employed for
6 three complete consecutive school years by the *county*
7 superintendent *of schools* in a teaching position in those schools
8 or classes requiring certification qualifications and whose salary
9 is paid from the county school service fund, is reelected for the
10 next succeeding school year to such a position in those schools or
11 classes, shall be classified as and become a permanent employee
12 of the county superintendent of schools.

13 ~~Such an employee~~

14 (2) *An employee described in paragraph (1)* shall have the same
15 rights and duties as employees of school districts to which Section
16 ~~44882 44929.21~~ applies. Sections ~~44841, 44842, 44882, 44929.21,~~
17 ~~44948.3, and 44948.5~~ are applicable *apply* to these employees.

18 ~~This~~

1 (3) *This* subdivision shall apply only to probationary employees
2 whose probationary period commenced ~~prior to~~ *before* the 1983–84
3 fiscal year.

4 (b) (1) If the average daily attendance of the schools and classes
5 maintained by a county superintendent of schools is 250 *pupils* or
6 more, each person who, after being employed for two complete
7 consecutive school years by the *county superintendent of schools*
8 in a teaching position in those schools or classes requiring
9 certification qualifications and whose salary is paid from the county
10 school service fund, is reelected for the next succeeding school
11 year to such a position in those schools or classes, shall be
12 classified as and become a permanent employee of the county
13 superintendent of schools.

14 ~~The~~

15 (2) *The* county superintendent of schools shall notify the
16 employee, on or before March 15 of the employee’s second
17 complete consecutive year of employment by the *county*
18 *superintendent of schools* in a teaching position in schools or
19 classes maintained by the *county superintendent of schools*
20 requiring certification qualifications, of the decision to reelect or
21 not reelect the employee for the next succeeding school year to
22 such a position in those schools. ~~In the event that~~ *If* the county
23 *superintendent of schools* does not give notice pursuant to this
24 section on or before March 15, the employee shall be deemed
25 reelected for the next succeeding school year.

26 ~~Such an~~

27 (3) *An employee described in paragraph (1)* shall have the same
28 rights and duties as employees of school districts to which Section
29 ~~44882 44929.21~~ applies. Sections ~~44841, 44842, 44882, 44929.21,~~
30 ~~44948.3, and 44948.5 are applicable~~ *apply* to these employees.

31 ~~This~~

32 (4) *This* subdivision shall apply only to probationary employees
33 whose probationary period commenced during the 1983–84 fiscal
34 year or any fiscal year thereafter.

35 (c) As used in this section, “teaching position” means ~~any a~~
36 certificated position designated as of January 1, 1983, by the county
37 board of education or the county superintendent of schools as a
38 teaching position for the purpose of granting probationary or
39 permanent status.

1 (d) *This section shall become inoperative on July 1, 2016, and,*
2 *as of January 1, 2017, is repealed, unless a later enacted statute,*
3 *that becomes operative on or before January 1, 2017, deletes or*
4 *extends the dates on which it becomes inoperative and is repealed.*

5 SEC. 2. Section 1296 is added to the Education Code, to read:

6 1296. (a) (1) A person who, after being employed for two
7 complete consecutive school years by a county superintendent of
8 schools with an average daily attendance of 250 pupils or more,
9 in a nonsupervisory, nonmanagement position requiring
10 certification qualifications and whose salary is paid from the county
11 school service fund, is reelected for the next succeeding school
12 year to a position requiring certification qualifications, shall be
13 classified as and become a permanent employee of the county
14 superintendent of schools.

15 (2) The county superintendent of schools shall notify the
16 employee, on or before March 15 of the employee's second
17 complete consecutive year of employment by the county
18 superintendent of schools in the position of the decision to reelect
19 or not reelect the employee for the next succeeding school year to
20 the position. If the county superintendent of schools does not give
21 notice pursuant to this section on or before March 15, the employee
22 shall be deemed reelected for the next succeeding school year.

23 (3) Unless otherwise provided by law, for a certificated
24 employee of a county office of education with an average daily
25 attendance of 250 or more pupils, the statutory provisions relating
26 to probation, the attainment of permanent employment status, and
27 dismissal that are applicable to employees of school districts with
28 an average daily attendance of 250 pupils or more shall apply,
29 including, but not limited to, Sections 44929.21 and 44948.3.

30 (b) Unless otherwise provided by law, for a certificated
31 employee of a county office of education with an average daily
32 attendance of less than 250 pupils, the statutory provisions relating
33 to probationary status, the attainment of permanent employment
34 status, and dismissal that are applicable to employees of school
35 districts with an average daily attendance of less than 250 pupils
36 shall apply, including, but not limited to, Sections 44929.23, 44948,
37 44948.2, 44948.3, and 44948.5.

38 (c) The following provisions are applicable to a certificated
39 employee who is subject to the provisions of this section who is
40 employed on July 1, 2016:

1 (1) If the certificated employee has less than two consecutive
2 years of service at the county office of education as of July 1, 2016,
3 the employee shall complete his or her probationary period, and
4 shall be granted permanent employee status upon reelection to his
5 or her third year of service.

6 (2) If a certificated employee has at least two consecutive years
7 of service at a county office of education as of July 1, 2016, and
8 has been reelected to at least a third year of service, the employee
9 shall be granted permanent employee status.

10 (d) This section shall become operative on July 1, 2016.

11 SEC. 3. Section 44929.21 of the Education Code is amended
12 to read:

13 44929.21. (a) (1) Every employee of a school district of any
14 type or class having an average daily attendance of 250 *pupils* or
15 more who, after having been employed by the *school* district for
16 three complete consecutive school years in a position or positions
17 requiring certification qualifications, is reelected for the next
18 succeeding school year to a position requiring certification
19 qualifications shall, at the commencement of the *next* succeeding
20 school-year year, be classified as and become a permanent
21 employee of the *school* district.

22 ~~This~~

23 (2) *This* subdivision shall apply only to probationary employees
24 whose probationary period commenced ~~prior to~~ *before* the 1983–84
25 fiscal year.

26 (b) (1) Every employee of a school district of any type or class
27 having an average daily attendance of 250 *pupils* or more who,
28 after having been employed by the *school* district for two complete
29 consecutive school years in a position or positions requiring
30 certification qualifications, is reelected for the next succeeding
31 school year to a position requiring certification qualifications shall,
32 at the commencement of the *next* succeeding school-year year, be
33 classified as and become a permanent employee of the *school*
34 district.

35 ~~The~~

36 (2) *The* governing board of the *school district* shall notify the
37 employee, on or before March 15 of the employee’s second
38 complete consecutive school year of employment by the *school*
39 district in a position or positions requiring certification
40 qualifications, of the decision to reelect or not reelect the employee

1 for the next succeeding school year to the position. In the event
2 that the governing board of the school district does not give notice
3 pursuant to this section on or before March 15, the employee shall
4 be deemed reelected for the next succeeding school year.

5 This

6 (3) This subdivision shall apply only to probationary employees
7 whose probationary period commenced during the 1983–84 fiscal
8 year or any fiscal year thereafter.

9 (c) This section shall become inoperative on July 1, 2016, and,
10 as of January 1, 2017, is repealed, unless a later enacted statute,
11 that becomes operative on or before January 1, 2017, deletes or
12 extends the dates on which it becomes inoperative and is repealed.

13 SEC. 4. Section 44929.21 is added to the Education Code, to
14 read:

15 44929.21. (a) An employee of a school district with an average
16 daily attendance of 250 pupils or more, after having been employed
17 by the school district for two complete consecutive school years
18 in a nonsupervisory, nonmanagement position requiring
19 certification qualifications, who is reelected for the next succeeding
20 school year to a position requiring certification qualifications shall,
21 at the commencement of the next succeeding school year, be
22 classified as and become a permanent employee of the school
23 district.

24 (b) The governing board of the school district shall notify the
25 employee, on or before March 15 of the employee's second
26 complete consecutive school year of employment by the school
27 district in a position requiring certification qualifications, of the
28 decision to reelect or not reelect the employee for the next
29 succeeding school year to the position. If the governing board of
30 the school district does not give notice pursuant to this section on
31 or before March 15, the employee shall be deemed reelected for
32 the next succeeding school year.

33 (c) The following provisions apply to an employee subject to
34 this section who is employed on July 1, 2016:

35 (1) If the certificated employee has completed less than two
36 consecutive years of service at the school district as of July 1,
37 2016, the employee shall complete his or her probationary period
38 and shall be granted permanent employee status upon reelection
39 to his or her third year of service.

1 (2) If the certificated employee has completed at least two
 2 consecutive years of service at the school district and has been
 3 reelected to at least a third year of service as of July 1, 2016, the
 4 employee shall be granted permanent employee status.

5 (d) This section shall become operative on July 1, 2016.

6 SEC. 5. Section 44929.23 of the Education Code is amended
 7 to read:

8 44929.23. (a) The governing board of a school district of any
 9 type or class having an average daily attendance of less than 250
 10 pupils may classify as a permanent employee of the *school* district
 11 ~~any~~ *an* employee who, after having been employed by the school
 12 district for three complete consecutive school years in a position
 13 or positions requiring certification qualifications, is reelected for
 14 the next succeeding school year to a position requiring certification
 15 qualifications. If that classification is not made, the employee shall
 16 not attain permanent status and may be reelected from year to year
 17 thereafter without becoming a permanent employee until a change
 18 in classification is made.

19 (b) Notwithstanding subdivision (a), Section 44929.21 shall
 20 apply to certificated employees employed by a school district, if
 21 the governing board of the school district elects to dismiss
 22 probationary employees pursuant to Section 44948.2. If that
 23 election is made, the governing board *of the school district*
 24 thereafter shall classify as a permanent employee of the *school*
 25 district ~~any~~ *a* probationary employee who, after being employed
 26 for two complete consecutive school years in a position or positions
 27 requiring certification qualifications, is reelected for the next
 28 succeeding school year to a position requiring certification
 29 qualifications as required by Section 44929.21. ~~Any~~ *A* probationary
 30 employee who has been employed by the *school* district for two
 31 or more consecutive years on the date of that election in a position
 32 or positions requiring certification qualifications shall be classified
 33 as a permanent employee of the *school* district.

34 (c) If the classification is not made pursuant to subdivision (a)
 35 or (b), the employee shall not attain permanent status and may be
 36 reelected from year to year thereafter without becoming a
 37 permanent employee until the classification is made.

38 (d) *This section shall become inoperative on July 1, 2016, and,*
 39 *as of January 1, 2017, is repealed, unless a later enacted statute,*

1 *that becomes operative on or before January 1, 2017, deletes or*
2 *extends the dates on which it becomes inoperative and is repealed.*

3 SEC. 6. Section 44929.23 is added to the Education Code, to
4 read:

5 44929.23. (a) The governing board of a school district or a
6 county office of education with an average daily attendance of less
7 than 250 pupils shall classify as a permanent employee of the
8 district a nonsupervisory, nonmanagement employee who, after
9 having been employed by the school district or county office of
10 education for three complete consecutive school years in a position
11 requiring certification qualifications, is reelected for the next
12 succeeding school year to a position requiring certification
13 qualifications.

14 (b) Notwithstanding subdivision (a), Section 44929.21 shall
15 apply to certificated employees employed by a school district or
16 county office of education if the governing board of the school
17 district or county office of education elects to dismiss probationary
18 employees pursuant to Section 44948.2. If that election is made,
19 the governing board of the school district or county office of
20 education thereafter shall classify as a permanent employee of the
21 school district or county office of education a probationary
22 employee who, after being employed for two complete consecutive
23 school years in a position requiring certification qualifications, is
24 reelected for the next succeeding school year to a position requiring
25 certification qualifications, as required by Section 44929.21. A
26 probationary employee who has been employed by the school
27 district or county office of education for two or more consecutive
28 years on the date of that election in a position or positions requiring
29 certification qualifications shall be classified as a permanent
30 employee of the school district or county office of education.

31 (c) The following provisions apply to a certificated employee
32 subject to this section who is employed on July 1, 2016, at a school
33 district or county office of education with an average daily
34 attendance of less than 250 pupils:

35 (1) If the certificated employee has completed less than three
36 consecutive years of service, the employee shall complete his or
37 her probationary period and shall be granted permanent employee
38 status upon reelection to his or her fourth year of service, as
39 applicable pursuant to this section.

1 (2) If the certificated employee has completed at least three
2 consecutive years of service and has been reelected to at least a
3 fourth year of service, the employee shall be granted permanent
4 employee status, as applicable pursuant to this section.

5 (d) This section shall become operative on July 1, 2016.

6 SEC. 7. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.